

**UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS**

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender:	Miguel Diaz, Jr.	Case Number: 1:07CR01119-001
Name of Sentencing Judge:	The Honorable Hilda G. Tagle	
Date of Original Sentence:	March 31, 2008	
Original Offense:	Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2)	
Original Sentence:	30 months custody of the U.S. Bureau of Prisons followed by a three (3) year term of supervised release	
Type of Supervision:	Supervised Release	Supervision Started: January 15, 2010
Assistant U.S. Attorney:	Jose A. Esquivel, Jr.	Defense Attorney: Reynaldo S. Cantu

EARLIER COURT ACTION

On May 17, 2010, a violation report was submitted to the Court alleging a positive urine specimen collected on May 5, 2010. The Court concurred with the probation officer's recommendation that the offender be allowed to continue attending drug aftercare treatment in phase I, the most intensive phase of the outpatient treatment. In addition, the Court agreed to address the allegation at a later date, should this negative behavior persist.

PETITIONING THE COURT

TO ISSUE A WARRANT for the offender on supervision.

The probation officer has good reason to believe and does believe that Miguel Diaz, Jr. has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	Mandatory Condition - Possession and Use of Cocaine
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Details: On or about May 5, 2010, Miguel Diaz, Jr. possessed and used cocaine, a controlled substance not prescribed by a physician, as evidenced by a urine specimen submitted by him on that date, to Texas Tropical Behavioral Health (MHMR) urine technician Vidal Ramirez, such specimen tested positive through laboratory analysis. The possession alleged above is in violation of 21 U.S.C. § 844. On March 14, 2010, Miguel Diaz, Jr. signed the Admit/Deny form acknowledging his possession and use of cocaine.

2	Special Condition: Failure to abide by the substance abuse treatment program's rules and regulations
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Details: On January 26, 2010, Fernando Villalobos was explained the rules and regulations of the substance abuse treatment program by Counselor Ricardo Garza.

On or about May 5, 2010, Miguel Diaz, Jr. violated the rules and regulations of Texas Tropical Behavioral Health (MHMR) which prohibit the use of controlled substances not prescribed by a physician, by using cocaine, such use evidenced by urine specimen submitted by him on the aforementioned date. Such specimen tested positive for cocaine through laboratory analysis.

3	Special Condition: Failure to abide by the substance abuse treatment program's rules and regulations
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Details: On January 26, 2010, Fernando Villalobos was explained the rules and regulations of the substance abuse treatment program by Counselor Ricardo Garza which require Mr. Diaz to attend monthly counseling sessions as per treatment phase requirements.

Miguel Diaz, Jr. was participating in a substance abuse treatment program with Texas Tropical Behavioral Health (MHMR) and was in phase I requiring two (2) hours of counseling sessions and three (3) random urine samples per month. Miguel Diaz, Jr. violated the rules and regulations of the Texas Tropical Behavioral Health (MHMR) by failing to report as directed for individual counseling sessions on the following dates: May 4, 2010, May 18, 2010, and May 25, 2010, and for the month of June 2010. In addition, Mr. Diaz failed to submit random urine specimens on April 22, 2010, May 10, 2010, May 13, 2010 and for the month of June 2010.

4	Standard Condition: Failure to report and failure to submit a monthly supervision report
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Details: Since June 2010, Miguel Diaz, Jr. failed to submit a monthly supervision report to the probation office as directed by Sr. USPO Michael A. Stevens. Miguel Diaz, Jr. last reported to the probation office on May 14, 2010.

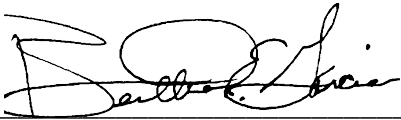
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U.S. Probation Officer's Recommendation:

[X] The term of supervision should be
[X] revoked.
[] extended for years, for a total term of years.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Approved:



Bertha E. Garcia, Supervising
U.S. Probation Officer
Date: July 7, 2010

Respectfully submitted:

by



Michael A. Stevens
U.S. Probation Officer
246412/co

THE COURT ORDERS:

- ☐ No Action
- ☐ The Issuance of a Summons for a hearing to be held on _____ at _____.
- ☐ The Issuance of a Warrant, and a bond of \$_____ cash/surety with supervision as directed by the Probation Officer as a condition of said bond. Furthermore, that a revocation hearing be set to show cause why Probation/Supervised Release should not be revoked.
- ☒ The Issuance of a Warrant, and no bond be set. Further, that a revocation hearing be set to show cause why Probation/Supervised Release should not be revoked.
- ☐ The Issuance of a Violator's Warrant and no bond be set and that a revocation hearing to show cause why supervision should not be revoked be held at the time of disposition of the charge in Criminal Docket _____ in U.S. District Court in the _____ District of _____, _____ Division.
- ☐ Other:



Hilda G. Tagle
United States District Judge

July 9, 2010

Date